

United States District Court
Eastern District of California

Philip J. Syzamore,

Petitioner,

vs.

Board of Prison Terms,

Respondent.

No. Civ. S 05-775 MCE PAN P

Order

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Petitioner seeks leave to proceed in forma pauperis in a habeas corpus action. A habeas petitioner must either pay a \$5.00 filing fee or submit an affidavit showing he or she is unable to pay or give security for the fee. 28 U.S.C. § 1915(a).

Petitioner's in forma pauperis affidavit shows he has a prison job and earns \$100.00 per month. Petitioner has failed to show he is unable to pay the filing fee. Alexander v. Carson Adult High School, 9 F.3d 1448 (9th Cir. 1993).

Accordingly, within 20 days petitioner must submit the \$5.00 filing fee to the Clerk of the Court. Otherwise the case will be closed.

So ordered.

Dated: April 26, 2005.

/s/ Peter A. Nowinski

PETER A. NOWINSKI

Magistrate Judge